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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,852	03/31/1999	DARYL CARVIS CROMER	RP9-99-048	7708

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EXAMINER

LEE, CHI CHUNG

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/09/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/281,852

Applicant(s)

CROMER ET AL.

Examiner

Chi-Chung E Lee

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/31/1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 24 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Paltenghe et al (US 6,421,729)** and further in view of **Pond et al (US 4,864,616)** and **Schneier**.

Paltenghe et al is directed a system and a method for controlling the transmission of information known as “cookies” stored on electronic media to Internet Websites accessed by consumers.

Pond is directed to a method of cryptographically labeling data to provide security for sensitive information (i.e. cookie information) during storage in electronic data processing systems.

As per claim 10, Paltenghe discloses cookies are stored in a plain text file on the hard drive (i.e. a non-protected storage device for storing cookie) of the user’s PC, where the browser software is installed. Typically, the browser can be configured to ask the user for permission before accepting a cookie, see column 6 line 60 – column 7 line 11. Paltenghe discloses if the web server (i.e. remote server) wants to write a cookie, it will

contact the user's PC and send the cookie to the browser (i.e. means for sending cookie to browser program), see column 7 lines 1-11.

Paltenghe does not expressly disclose a) a protected storage device for storing a encryption key pair; b) means for utilizing public key to encrypt cookie before storing it to the hard disk; c) means for utilizing private key to decrypt cookie.

Pond discloses the secure memory of the PC's memory (i.e. a protected storage device) for storing MID key and PID key (i.e. encryption keys), see column 3 lines 19-35 and figure 1. Pond discloses the data ciphering processor (i.e. encryption/decryption means) is using key streams corresponding to MID key and PID key to encrypt clear text and to decrypt encoded text, see column 5 lines 60-66. Pond also discloses the encrypted sensitive files stored in the data storage medium (i.e. Hard disk, a non-protected storage device) is protected even if it is physically stolen, see column 4 line 67-column 5 line 3.

Pond does not expressly disclose to use public-key cryptography to encrypt/decrypt the sensitive files.

Schneier discloses that the public-key cryptography and symmetric cryptography are two different sorts of algorithms. Schneier discloses the public-key algorithm has significant security benefits and could be limited to exchanging key for conventional symmetric cryptography system, see page 216.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use public-key cryptography to protect the cookie so that it can be stored in a non-protected storage (i.e. hard disk).

One of ordinary skill in the art would have been motivated to do this is to provide a high level of protection even if the data storage medium (i.e. hard disk) is physically stolen.

As per claim 11, Pond discloses the invention protects sensitive data stored in a PC by encrypting the data using two or more key streams. Pond discloses the data storage medium can be physical stolen. The examiner asserts that this disclosure clearly suggests use of hard disk for storing the protected file.

As per claims 12-14, Pond discloses the key is a bit pattern, which is used in the encryption process and which is stored in the secure portion of the PC's memory, see column 5 lines 35-43. The examiner asserts that this disclosure clearly suggests the key streams in the secure memory of PC only can be accessed by data ciphering processor (i.e. encryption engine).

As per claim 15-16, Paltenghe discloses the accessed website<sup>3</sup> server loads a web page onto the user's PC with an unconfigured browser. At the later time, when the user returns to the website, the website server will retrieves the information contained in the cookie from the user's PC (i.e. transmit cookie from browser of user to the remote server), see column 7 lines 11-23.

As per claims 1-7, the claimed steps corresponds to the functions of the elements of the apparatus claims 10-16, which has been rejected above, and thus rejected with the same reason applied thereto.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153. The examiner can normally be reached on 8 am - 5 pm, Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail O Hayes can be reached on 703-305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chi-Chung Lee  
April 2, 2003

  
GAIL HAYES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100